

February 14, 2013

Dear Members of the House State Administration Committee:

HB 430 makes it clear that voters with disabilities can use their designated agent to help them with any aspect of the voting process. This bill would merely codify a practice that is already occurring, and ensure that there are not differing interpretations from county to county.

The Americans with Disabilities Act and the Montana Human Rights Act require governments to adjust their services and the way they provide them to accommodate people with disabilities. The use of an agent, like other accommodations like the AutoMARK machine, is a way that counties can and have altered the voting process to make sure that it does not inadvertently discriminate against people because of their disabilities.

This sort of inadvertent discrimination can occur in all sorts of ways. For instance, just the use of a paper ballot would be discriminatory to people who are blind, or those who cannot use their hands to mark a ballot if there were no accommodation of those voters. Signature requirements can be discriminatory to those people that have no ability to use their limbs to sign a document.

Fortunately, in 2005, Sen. John Cobb sponsored a bill to put in place a variety of steps to make voting more accessible to people with disabilities. It gave the option of providing an identifying mark instead of a signature for voting, and also authorized people with disabilities to designate an agent for voting to provide that signature or to deliver an absentee ballot request to the local election office. In so doing, it provided for a form for voters to use to designate an agent, which requires disinterested witnesses to sign the form to ensure that there is no coercion. It can be on the Montana Secretary of State's website at <http://sos.mt.gov/Elections/Disabilities/index.asp>.

Since that law was passed, people with disabilities including seniors have used this accommodation. It has been very popular and voters with disabilities and clerks have allowed these agents to perform acts in all parts of the voting process. This is entirely appropriate and, in fact, required by the Montana Human Rights Act. However, it is not currently explicit in statute and to avoid any inconsistencies between counties, we feel it makes sense to make this clear in statute.

Sincerely,



Beth Brenneman